

1 The Honorable Robert S. Lasnik
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARRON McGLOTHIN, individually and on
behalf of all others similarly situated,

No. C16-216RSL

CLASS ACTION

Plaintiff,

v.

CTI BIOPHARMA CORP., JAMES A.
BIANCO, and LOUIS A BIANCO,

Defendants.

WILLIAM AHRENS, et al.

No. C16-796RSL

CLASS ACTION

Plaintiffs,

v.

CTI BIOPHARMA CORP, et al.,

Defendants.

**STIPULATION AND ORDER CONSOLIDATING
CASES FOR ALL PURPOSES**

STIPULATION AND ORDER CONSOLIDATING
CASES FOR ALL PURPOSES
(Case No. 2:16-cv-00216-RSL)

BRESKIN JOHNSON & TOWNSEND PLLC
Roger M. Townsend
1000 Second Avenue, Suite 3670
Seattle, WA 98104
Tel: (206) 652-8660 • Fax: (206) 652-8290

1 Plaintiffs William Ahrens, Penelope Ahrens, and Darron McGlothin (“Plaintiffs”), and
2 Lead Plaintiff movant DAFNA LifeScience, LP and DAFNA LifeScience Select, LP
3 (“DAFNA”), hereby stipulate and agree to the following:

4 1. WHEREAS, on February 10, 2016, Plaintiffs William Ahrens and Penelope
5 Ahrens filed a securities class action in the United States District Court for the Southern District
6 of New York against Defendants CTI BioPharma Corp. (“CTI”), James A. Bianco, Louis A.
7 Bianco, Bruce J. Seeley, Jack W. Singer, Phillip M. Nudelman, John H. Bauer, Karen Ignagni,
8 Richard L. Love, Mary O. Mundinger, Frederick W. Telling, and Reed V. Tuckson
9 (“Defendants”), *Ahrens v. CTI BioPharma Corp.*, No. 1:16-cv-01044-PAE (“Ahrens”);

10 2. WHEREAS, on February 12, 2016, Plaintiff Darron McGlothin filed a
11 substantially identical securities class action in the Western District of Washington against the
12 Defendants, *McGlothin v. CTI BioPharma Corp.*, 2:16-cv-00216-RSL (“McGlothin”);

13 3. WHEREAS, on May 19, 2016, the United States District Court for the Southern
14 District of New York granted Defendants’ unopposed motion to transfer *Ahrens* to the Western
15 District of Washington and denied without prejudice the then-pending motions in *Ahrens* for
16 appointment as lead plaintiff (ECF No. 49);

17 4. WHEREAS, *Ahrens* is now maintained in the Western District of Washington as
18 *Ahrens v. CTI BioPharma Corp.*, 2:16-cv-00796-JPD;

19 5. WHEREAS, the complaints filed in *Ahrens* and *McGlothin* are substantially
20 identical; both actions are subject to the Private Securities Litigation Reform Act of 1995
21 (“PSLRA”), allege the same claims under the Securities Act of 1933 and the Securities Exchange
22 Act of 1934, name the same Defendants, arise out of the same alleged misstatements and
23 omissions regarding CTI’s financial outlook and the drug “pacritinib,” and seek alleged damages
24 on behalf of purchasers of CTI securities during the same period of time;

25 6. WHEREAS, on April 11, 2016, DAFNA and two other movants filed motions for
26 appointment as Lead Plaintiff in the *McGlothin* Action. Two additional movants filed notice in

1 the *McGlothin* Action of their motions for appointment as Lead Plaintiff in the *Ahrens* Action.
2 See *McGlothin*, ECF Nos. 4, 5, 7, 8, and 10.

3 7. WHEREAS, the PSLRA provides that the Court shall first decide on
4 consolidation before appointing the lead plaintiff. 15 U.S.C. § 78u-4(a)(3)(B)(ii);

5 8. WHEREAS, Defendants do not object to this consolidation motion;

6 **NOW THEREFORE, SUBJECT TO THIS COURT'S APPROVAL, PLAINTIFFS IN**
7 **MCGLOTHIN AND AHRENS AND LEAD PLAINTIFF MOVANT DAFNA STIPULATE**
8 **AND AGREE AS FOLLOWS:**

9 9. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the above-
10 captioned actions, and any other pending, subsequently filed, removed, or transferred securities
11 class actions that are related to the claims asserted in the above-captioned actions, should be
12 consolidated for all purposes.

13 10. The consolidated action shall be maintained under Master File No. 2:16-cv-
14 00216-RSL with the following caption:

15 IN RE CTI BIOPHARMA CORP.
16 SECURITIES LITIGATION

Case No. C16-216RSL

Hon. Robert S. Lasnik

CLASS ACTION

19 11. Following the Court's Order appointing the Lead Plaintiff, counsel for the Lead
20 Plaintiff and counsel for Defendants shall promptly confer to propose a schedule for submission
21 of a consolidated complaint and for resolution of any motions to dismiss.

23 DATED: June 3, 2016

Respectfully Submitted,

24 /s/ David R. Stickney

25 David R. Stickney

26 **BERNSTEIN LITOWITZ BERGER**
& GROSSMANN LLP

STIPULATION AND ORDER CONSOLIDATING
CASES FOR ALL PURPOSES
(Case No. 2:16-cv-00216-RSL)

BRESKIN JOHNSON & TOWNSEND PLLC
Roger M. Townsend
1000 Second Avenue, Suite 3670
Seattle, WA 98104
Tel: (206) 652-8660 • Fax: (206) 652-8290

David R. Stickney
Rachel Felong
12481 High Bluff Drive, Suite 300
San Diego, CA 92130
Telephone: (858) 793-0070
Facsimile: (858) 793-0323
davids@blbglaw.com
rachel.felong@blbglaw.com

*Counsel for Lead Plaintiff Movants DAFNA
LifeScience, LP and DAFNA LifeScience Select, LP*

/s/ *Roger M. Townsend*

Roger M. Townsend

BRESKIN JOHNSON & TOWNSEND PLLC

Roger M. Townsend, WSBA #25525
1000 Second Avenue, Suite 3670
Seattle, WA 98104
Tel: (206) 652-8660
Fax: (206) 652-8290
rtownsend@bjtlegal.com

Local Counsel for Lead Plaintiff Movants DAFNA LifeScience, LP and DAFNA LifeScience Select, LP

DATED: June 3, 2016

/s/ Lesley F. Portnoy

Lesley F. Portnoy

GLANCY PRONGAY & MURRAY LLP

Lesley F. Portnoy (LP-1941)
122 East 42nd Street, Suite 2920
New York, New York 10168
Telephone: (212) 682-5340
Facsimile: (212) 884-0988
lportnoy@glancylaw.com

Counsel for Plaintiffs William and Penelope Ahrens

STIPULATION AND ORDER CONSOLIDATING
CASES FOR ALL PURPOSES
(Case No. 2:16-cv-00216-RSL)

BRESKIN JOHNSON & TOWNSEND PLLC
Roger M. Townsend
1000 Second Avenue, Suite 3670
Seattle, WA 98104
Tel: (206) 652-8660 • Fax: (206) 652-8290

1 DATED: June 3, 2016

/s/ Jeremy Lieberman

2

 Jeremy Lieberman

3 **POMERANTZ LLP**

4 Jeremy Lieberman

5 J. Alexander Hood II

6 Marc Gorrie

7 600 Third Avenue, 20th Floor

8 New York, NY 10016

9 Telephone: (212) 661-1100

10 Fascimile: (212) 661-8665

11 jalieberman@pomlaw.com ahood@pomlaw.com

12 mgorrie@pomlaw.com

13 -and-

14 Patrick V. Dahlstrom

15 10 South La Salle Street, Suite 3505

16 Chicago, IL 60603

17 Telephone: (312) 377-1181

18 Fascimile: (312) 377-1184

19 pdahlstrom@pomlaw.com

20 **LAW OFFICES OF CLIFFORD A. CANTOR, P.C.**

21 Clifford A. Cantor

22 627 208th Ave. SE

23 Sammamish, WA 98074-7033

24 Telephone: (425) 868-7813

25 Facsimile: (425) 868-7870

26 cliff.cantor@outlook.com

27 *Counsel for Plaintiff Darron McGlothin*

28 **IT IS SO ORDERED**

29 Dated: June 13, 2016.

30 

31 Robert S. Lasnik

32 United States District Judge